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IN THE

Supreme Court of the United States

OCTOBER TERM, 1964

No. 544

ARROW TRANSPORTATION COMPANY, ET AL., *Appellants*

v.

THE CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY COMPANY, ET AL., *Appellees*

No. 545

INTERSTATE COMMERCE COMMISSION, *Appellant*

v.

THE CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY COMPANY, ET AL., *Appellees*

On Appeal From the United States District Court for the Southern District of Ohio

MOTION TO AFFIRM

SOUTHERN GOVERNORS CONFERENCE

SOUTHEASTERN ASSOCIATION OF RAILROAD AND UTILITIES COMMISSIONERS
Appellees

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MOTION TO AFFIRM

Pursuant to Rule 16, Paragraph 1(c) of the Revised Rules of this Court, the Southern Governors Conference and the Southeastern Association of Railroad and Utilities Commissioners, appellees, respectfully move that the judgment of the District Court be affirmed.

Identity of Appellees

Appellee Southern Governors Conference is a voluntary organization comprising the governors of sixteen states representing the ten southeastern states, three eastern border states, and three southwestern states. In freight rate matters it has traditionally represented only the ten southeastern states. In this proceeding and in the proceedings below the Southern Governors Conference represents the states of Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Mississippi and Louisiana.

Appellee Southeastern Association of Railroad and Utilities Commissioners is a voluntary organization of the public utility regulatory bodies of these same southeastern states, who work with and implement the policies of the Southern Governors Conference with respect to transportation matters.

Appellees, Southern Governors Conference and Southeastern Association, have, for the past 25 years, actively endeavored to obtain reasonable and lawful freight rates from, to, and within the south. Appellees' efforts have not been made in behalf of any specific segment of the south's economy nor in behalf of any particular mode of transportation. These appellees have from time to time appeared in proceedings before the Interstate Commerce Commission and supported the position of the various modes of transportation, such as the railroads or water lines, governed by what appellees have considered to be in the best interests of the public as a whole throughout the South.

Appellees, Southern Governors Conference and Southeastern Association of Railroad and Utilities Commissioners, were intervening plaintiffs in the Court below and there supported the position of the original plaintiffs therein, Cincinnati, New Orleans & Texas

Pacific Railway Company, et al., appellees in this Court, who comprise Southern Railway System. These appellees also actively participated in the proceedings before the Interstate Commerce Commission.

STATEMENT AND ARGUMENT

Appellees, Southern Governors Conference and Southeastern Association of Railroad and Utilities Commissioners, hereby adopt and specifically incorporate as a part hereof the Statement and Argument as set forth in Southern Railway System Companies' motion to affirm, filed herein on October 29, 1964.

CONCLUSION

In accordance with said Statement and said Argument incorporated herein by reference, appellees, Southern Governors Conference and Southeastern Association of Railroad and Utilities Commissioners, submit that the judgment of the District Court should be affirmed.

Respectfully submitted,

SOUTHERN GOVERNORS CONFERENCE
SOUTHEASTERN ASSOCIATION OF RAILROAD AND UTILITIES COMMISSIONERS
Appellees

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